



General Assembly

February Session, 2012

***Raised Bill No. 417***

LCO No. 2189

\*02189\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING JUVENILE MATTERS AND PERMANENT  
GUARDIANSHIPS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of section 46b-120 of the 2012 supplement  
2 to the general statutes, as amended by section 82 of public act 09-7 of  
3 the September special session, sections 9 and 10 of public act 11-71,  
4 section 12 of public act 11-157 and section 3 of public act 11-240, is  
5 repealed and the following is substituted in lieu thereof (*Effective*  
6 *October 1, 2012*):

7 (1) "Child" means any person under eighteen years of age who has  
8 not been legally emancipated, except that (A) for purposes of  
9 delinquency matters and proceedings, "child" means any person [(i)]  
10 who is (i) at least seven years of age at the time of the alleged  
11 commission of a delinquent act and who is (I) under eighteen years of  
12 age [who] and has not been legally emancipated, or [(ii)] (II) eighteen  
13 years of age or older [who,] and committed a delinquent act prior to  
14 attaining eighteen years of age, [has committed a delinquent act or,] or  
15 (ii) subsequent to attaining eighteen years of age, (I) violates any order  
16 of the Superior Court or any condition of probation ordered by the

17 Superior Court with respect to a delinquency proceeding, or (II)  
 18 wilfully fails to appear in response to a summons under section 46b-  
 19 133 or at any other court hearing in a delinquency proceeding of which  
 20 the child had notice, and (B) for purposes of family with service needs  
 21 matters and proceedings, child means a person who is at least seven  
 22 years of age and is under eighteen years of age;

23 Sec. 2. Subdivision (5) of section 46b-120 of the 2012 supplement to  
 24 the general statutes, as amended by section 82 of public act 09-7 of the  
 25 September special session, sections 9 and 10 of public act 11-71, section  
 26 12 of public act 11-157 and section 3 of public act 11-240, is repealed  
 27 and the following is substituted in lieu thereof (*Effective October 1,*  
 28 *2012*):

29 (5) "Family with service needs" means a family that includes a child  
 30 who is at least seven years of age and is under eighteen years of age  
 31 who (A) has without just cause run away from the parental home or  
 32 other properly authorized and lawful place of abode, (B) is beyond the  
 33 control of the child's or youth's parent, parents, guardian or other  
 34 custodian, (C) has engaged in indecent or immoral conduct, (D) is a  
 35 truant or habitual truant or who, while in school, has been  
 36 continuously and overtly defiant of school rules and regulations, or (E)  
 37 is thirteen years of age or older and has engaged in sexual intercourse  
 38 with another person and such other person is thirteen years of age or  
 39 older and not more than two years older or younger than such child or  
 40 youth;

41 Sec. 3. (NEW) (*Effective October 1, 2012*) (a) In any juvenile matter, as  
 42 defined in section 46b-121 of the general statutes, in which a child or  
 43 youth is alleged to have committed a delinquent act or an act or  
 44 omission for which a petition may be filed under section 46b-149 of the  
 45 general statutes, the child or youth shall not be tried, convicted,  
 46 adjudicated or subject to any disposition pursuant to section 46b-140,  
 47 as amended by this act, or 46b-149 of the general statutes while the  
 48 child or youth is not competent. For the purposes of this section, a

49 transfer to the regular criminal docket of the Superior Court pursuant  
50 to section 46b-127 of the general statutes, as amended by this act, shall  
51 not be considered a disposition. A child or youth is not competent if  
52 the child or youth is unable to understand the proceedings against him  
53 or her or to assist in his or her own defense.

54 (b) If, at any time during a proceeding on a juvenile matter, it  
55 appears that the child or youth is not competent, counsel for the child  
56 or youth, the prosecutorial official, or the court, on its own motion,  
57 may request an examination to determine the child's or youth's  
58 competency. Whenever a request for a competency examination is  
59 under consideration by the court, the child or youth shall be  
60 represented by counsel in accordance with the provisions of sections  
61 46b-135 and 46b-136 of the general statutes.

62 (c) A child or youth alleged to have committed an offense is  
63 presumed to be competent. The age of the child or youth is not a per se  
64 determinant of incompetency. The burden of going forward with the  
65 evidence and proving that the child or youth is not competent by a  
66 preponderance of the evidence shall be on the party raising the issue of  
67 competency, except that if the court raises the issue of competency, the  
68 burden of going forward with the evidence shall be on the state. The  
69 court may call its own witnesses and conduct its own inquiry.

70 (d) If the court finds that the request for a competency examination  
71 is justified and that there is probable cause to believe that the child or  
72 youth has committed the alleged offense, the court shall order a  
73 competency examination of the child or youth. Competency  
74 examinations shall be conducted by (1) a clinical team constituted  
75 under policies and procedures established by the Chief Court  
76 Administrator, or (2) if agreed to by all parties, a physician specializing  
77 in psychiatry who has experience in conducting forensic interviews  
78 and in child and adult psychiatry. Any clinical team constituted under  
79 this section shall consist of three persons: A clinical psychologist with  
80 experience in child and adolescent psychology, and two of the

81 following three types of professionals: (A) A clinical social worker  
82 licensed pursuant to chapter 383b of the general statutes, (B) a child  
83 and adolescent psychiatric nurse clinical specialist holding a master's  
84 degree in nursing, or (C) a physician specializing in psychiatry. At  
85 least one member of the clinical team shall have experience in  
86 conducting forensic interviews and at least one member of the clinical  
87 team shall have experience in child and adolescent psychology. The  
88 court may authorize a physician, a clinical psychologist, a child and  
89 adolescent psychiatric nurse specialist or a clinical social worker  
90 licensed pursuant to chapter 383b of the general statutes, selected by  
91 the child or youth, to observe the examination, at the expense of the  
92 child or youth or, if the child or youth is represented by counsel  
93 appointed through the Public Defender Services Commission, the  
94 Office of the Chief Public Defender. In addition, counsel for the child  
95 or youth, his or her designated representative and, if the child or youth  
96 is represented by a public defender, a social worker from the Division  
97 of Public Defender Services, may observe the examination.

98 (e) The examination shall be completed not later than fifteen  
99 business days after the date it was ordered, unless the time for  
100 completion is extended by the court for good cause shown. The  
101 members of the clinical team or the examining physician shall prepare  
102 and sign, without notarization, a written report and file such report  
103 with the court not later than twenty-one business days after the date of  
104 the order. The report shall address the child's or youth's ability to  
105 understand the proceedings against such child or youth and such  
106 child's or youth's ability to assist in his or her own defense. If the  
107 opinion of the clinical team or the examining physician set forth in  
108 such report is that the child cannot appreciate the proceedings against  
109 such child or youth or is not able to assist in his or her own defense,  
110 the members of the team or the examining physician must determine  
111 and address in their report: (1) Whether there is a substantial  
112 probability that the child or youth will attain or regain competency  
113 within ninety days of an intervention being ordered by the court; and  
114 (2) the nature and type of intervention, in the least restrictive setting

115 possible, recommended to attain or regain competency. On receipt of  
116 the written report, the clerk of the court shall cause copies of such  
117 written report to be delivered to counsel for the state and counsel for  
118 the child or youth at least forty-eight hours prior to the hearing held  
119 under subsection (f) of this section.

120 (f) The court shall hold a hearing as to the competency of the child  
121 or youth not later than ten business days after the court receives the  
122 written report of the clinical team or the examining physician pursuant  
123 to subsection (e) of this section. A child or youth may waive such  
124 evidentiary hearing only if the clinical team or examining physician  
125 has determined without qualification that the child or youth is  
126 competent. Any evidence regarding the child's or youth's competence,  
127 including, but not limited to, the written report, may be introduced in  
128 evidence at the hearing by either the child or youth or the state. If the  
129 written report is introduced as evidence, at least one member of the  
130 clinical team or the examining physician shall be present to testify as to  
131 the determinations in the report, unless the clinical team's or the  
132 examining physician's presence is waived by the child or youth and  
133 the state. Any member of the clinical team shall be considered  
134 competent to testify as to the clinical team's determinations.

135 (g) (1) If the court, after the competency hearing, finds by a  
136 preponderance of the evidence that the child or youth is competent,  
137 the court shall continue with the prosecution of the juvenile matter. (2)  
138 If the court, after the competency hearing, finds that the child or youth  
139 is not competent, the court shall determine: (A) Whether there is a  
140 substantial probability that the child or youth will attain or regain  
141 competency within ninety days of an intervention being ordered by  
142 the court; and (B) whether the recommended intervention to attain or  
143 regain competency is appropriate. In making its determination on an  
144 appropriate intervention, the court may consider: (i) The nature and  
145 circumstances of the alleged offense; (ii) the length of time the clinical  
146 team or examining physician estimates it will take for the child or  
147 youth to attain or regain competence; (iii) whether the child or youth

148 poses a substantial risk to reoffend; and (iv) whether the child or youth  
149 is able to receive community-based services or treatment that would  
150 prevent the child or youth from reoffending.

151 (h) If the court finds that there is not a substantial probability that  
152 the child or youth will attain or regain competency within ninety days  
153 or that the recommended intervention to attain or regain competency  
154 is not appropriate, the court may issue an order in accordance with  
155 subsection (k) of this section.

156 (i) (1) If the court finds that there is a substantial probability that the  
157 child or youth will attain or regain competency within ninety days or  
158 less if provided an appropriate intervention, the court shall schedule a  
159 hearing on the implementation of such intervention within five  
160 business days.

161 (2) An intervention implemented for the purpose of rendering a  
162 child or youth competent shall comply with the following conditions:  
163 (A) The period of intervention shall not exceed ninety days, unless  
164 extended for an additional ninety days in accordance with the criteria  
165 set forth in subsection (j) of this section; and (B) the intervention  
166 services shall be provided by the Department of Children and Families  
167 or, if the child's or youth's parent or guardian agrees to pay for such  
168 services, by any appropriate person, agency, mental health facility or  
169 treatment program that agrees to provide appropriate intervention  
170 services in the least restrictive setting available to the child or youth  
171 and comply with the requirements of this section.

172 (3) Prior to the hearing, the court shall notify the Commissioner of  
173 Children and Families, the commissioner's designee or the appropriate  
174 person, agency, mental health facility or treatment program that has  
175 agreed to provide appropriate intervention services to the child or  
176 youth that an intervention to attain or regain competency will be  
177 ordered. The commissioner, the commissioner's designee or the  
178 appropriate person, agency, mental health facility or treatment  
179 program shall be provided with a copy of the report of the clinical

180 team or examining physician and shall report to the court on a  
181 proposed implementation of the intervention prior to the hearing.

182 (4) At the hearing, the court shall review the written report and  
183 order an appropriate intervention for no longer than ninety days in the  
184 least restrictive setting available to restore competency. In making its  
185 determination, the court shall use the criteria set forth in subdivision  
186 (2) of subsection (g) of this section. Upon ordering an intervention, the  
187 court shall set a date for a hearing, to be held at least ten business days  
188 after the completion of the intervention period, for the purpose of  
189 reconsidering the child's or youth's competency.

190 (j) (1) At least ten business days prior to the date of any scheduled  
191 hearing on the issue of the reconsideration of the child's or youth's  
192 competency, the Commissioner of Children and Families, the  
193 commissioner's designee or other person, agency, mental health facility  
194 or treatment program in charge of providing intervention services to  
195 render a child or youth competent shall report on the progress of such  
196 intervention services to the clinical team or examining physician.

197 (2) Upon receipt of the report on the progress of such intervention,  
198 the child or youth shall be reassessed by the original clinical team or  
199 examining physician, except that if the original team or examining  
200 physician is unavailable, the court may appoint a new clinical team  
201 that, where possible, shall include at least one member of the original  
202 team, or a new examining physician. The new clinical team or  
203 examining physician shall have the same qualifications as the original  
204 team or examining physician, as provided in subsection (d) of this  
205 section, and shall have access to clinical information available from the  
206 provider of the intervention services. Not less than two business days  
207 prior to the date of any scheduled hearing on the reconsideration of  
208 the child's or youth's competency, the clinical team or examining  
209 physician shall submit a report to the court that includes: (A) The  
210 clinical findings of the provider of the intervention services and the  
211 facts upon which the findings are made; (B) the clinical team's or the

212 examining physician's opinion on whether the child or youth has  
213 attained or regained competency or is making progress toward  
214 attaining or regaining competency within the period covered by the  
215 intervention order; and (C) any other information concerning the child  
216 or youth requested by the court, including, but not limited to, the  
217 method of intervention or the type, dosage and effect of any  
218 medication the child or youth is receiving.

219 (3) Within two business days of the filing of a reassessment report,  
220 the court shall hold a hearing to determine if the child or youth has  
221 attained or regained competency within the period covered by the  
222 intervention order. If the court finds that the child or youth has  
223 attained or regained competency, the court shall continue with the  
224 prosecution of the juvenile matter. If the court finds that the child or  
225 youth has not attained or regained competency within the period  
226 covered by the intervention order, the court shall determine whether  
227 further efforts to attain or regain competency are appropriate. The  
228 court shall make its determination of whether further efforts to attain  
229 or regain competency are appropriate in accordance with the criteria  
230 set forth in subdivision (2) of subsection (g) of this section. If the court  
231 finds that further intervention to attain or regain competency is  
232 appropriate, the court shall order a new period for restoration of  
233 competency not to exceed ninety days. If the court finds that further  
234 intervention to attain or regain competency is not appropriate or the  
235 child or youth has not attained or regained competency after an  
236 additional intervention of ninety days, the court shall issue an order in  
237 accordance with subsection (k) of this section.

238 (k) (1) If the court determines after the period covered by the  
239 intervention order that the child or youth has not attained or regained  
240 competency and that there is not a substantial probability that the  
241 child or youth will attain or regain competency, or that further  
242 intervention to attain or regain competency is not appropriate based  
243 on the criteria set forth in subdivision (2) of subsection (g) of this  
244 section, the court shall: (A) Dismiss the petition if it is a delinquency or



245 family with service needs petition; (B) vest temporary custody of the  
246 child or youth in the Commissioner of Children and Families and  
247 notify the Office of the Chief Public Defender, who shall assign an  
248 attorney to serve as guardian ad litem for the child or youth and  
249 investigate whether a petition should be filed under section 46b-129 of  
250 the general statutes, as amended by this act; or (C) order that the  
251 Department of Children and Families or some other person, agency,  
252 mental health facility or treatment program, or such child's or youth's  
253 probation officer, conduct or obtain an appropriate assessment and,  
254 where appropriate, propose a plan for services that can appropriately  
255 address the child's or youth's needs in the least restrictive setting  
256 available and appropriate. Any plan for services may include a plan  
257 for interagency collaboration for the provision of appropriate services  
258 after the child or youth attains the age of eighteen.

259 (2) Not later than ten business days after the issuance of an order  
260 pursuant to subparagraph (B) or (C) of subdivision (1) of this  
261 subsection, the court shall hold a hearing to review the order of  
262 temporary custody or any recommendations of the Department of  
263 Children and Families, such probation officer or such attorney or  
264 guardian ad litem for the child or youth.

265 (3) If the child or youth is adjudicated neglected, uncared-for or  
266 abused subsequent to such a petition being filed, or if a plan for  
267 services pursuant to subparagraph (C) of subdivision (1) of this  
268 subsection has been approved by the court and implemented, the court  
269 may dismiss the delinquency or family with service needs petition, or,  
270 in the discretion of the court, order that the prosecution of the case be  
271 suspended for a period of up to eighteen months. During the period of  
272 suspension, the court may order the Department of Children and  
273 Families to provide periodic reports to the court to ensure that  
274 appropriate services are being provided to the child or youth. If during  
275 the period of suspension, the child or youth or the parent or guardian  
276 of the child or youth does not comply with the requirements set forth  
277 in the plan for services, the court may hold a hearing to determine

278 whether the court should follow the procedure under subparagraph  
279 (B) of subdivision (1) of this subsection for instituting a petition  
280 alleging that a child is neglected, uncared for or abused. Whenever the  
281 court finds that the need for the suspension of prosecution is no longer  
282 necessary, but not later than the expiration of such period of  
283 suspension, the delinquency or family with service needs petition shall  
284 be dismissed.

285 Sec. 4. Subsection (c) of section 46b-129 of the 2012 supplement to  
286 the general statutes is repealed and the following is substituted in lieu  
287 thereof (*Effective October 1, 2012*):

288 (c) The preliminary hearing on the order of temporary custody or  
289 order to appear or the first hearing on a petition filed pursuant to  
290 subsection (a) of this section shall be held in order for the court to:

291 (1) Advise the parent or guardian of the allegations contained in all  
292 petitions and applications that are the subject of the hearing and the  
293 parent's or guardian's right to counsel pursuant to subsection (b) of  
294 section 46b-135;

295 (2) [assure] Assure that an attorney, and where appropriate, a  
296 separate guardian ad litem has been appointed to represent the child  
297 or youth in accordance with subsection (b) of section 51-296a and  
298 sections 46b-129a, as amended by this act, and 46b-136;

299 (3) [upon] Upon request, appoint an attorney to represent the  
300 respondent when the respondent is unable to afford representation, in  
301 accordance with subsection (b) of section 51-296a;

302 (4) [advise] Advise the parent or guardian of the right to a hearing  
303 on the petitions and applications, to be held not later than ten days  
304 after the date of the preliminary hearing if the hearing is pursuant to  
305 an order of temporary custody or an order to show cause;

306 (5) [accept] Accept a plea regarding the truth of [such] the  
307 allegations;

308 (6) [make] Make any interim orders, including visitation orders, that  
309 the court determines are in the best interests of the child or youth. The  
310 court, after a hearing pursuant to this subsection, shall order specific  
311 steps the commissioner and the parent or guardian shall take for the  
312 parent or guardian to regain or to retain custody of the child or youth;

313 (7) [take] Take steps to determine the identity of the father of the  
314 child or youth, including, if necessary, inquiring of the mother of the  
315 child or youth, under oath, as to the identity and address of any person  
316 who might be the father of the child or youth and ordering genetic  
317 testing, and order service of the petition and notice of the hearing date,  
318 if any, to be made upon him;

319 (8) [if] If the person named as the father appears [,] and admits that  
320 he is the father, provide him and the mother with the notices that  
321 comply with section 17b-27 and provide them with the opportunity to  
322 sign a paternity acknowledgment and affirmation on forms that  
323 comply with section 17b-27. Such documents shall be executed and  
324 filed in accordance with chapter 815y and a copy delivered to the clerk  
325 of the superior court for juvenile matters. The clerk of the superior  
326 court for juvenile matters shall send a certified copy of the paternity  
327 acknowledgment and affirmation to the Department of Public Health  
328 for filing in the paternity registry maintained under section 19a-42a,  
329 and shall maintain a certified copy of the paternity acknowledgment  
330 and affirmation in the court file;

331 (9) [in the event that] If the person named as a father appears and  
332 denies that he is the father of the child or youth, [advise him that he  
333 may have no further standing in any proceeding concerning the child,  
334 and either] the court shall order genetic testing to determine paternity  
335 in accordance with section 46b-168. [or direct him to execute a written  
336 denial of paternity on a form promulgated by the Office of the Chief  
337 Court Administrator. Upon execution of such a form by the putative  
338 father,] If the results of the genetic tests indicate a ninety-nine per cent  
339 or greater probability that the person named as father is the father of

340 the child or youth, such results shall constitute a rebuttable  
 341 presumption that the person named as father is the father of the child  
 342 or youth, provided the court finds evidence that sexual intercourse  
 343 occurred between the mother and the person named as father during  
 344 the period of time in which the child was conceived. If the court finds  
 345 such rebuttable presumption, the court may issue judgment  
 346 adjudicating paternity after providing the father an opportunity for a  
 347 hearing. The clerk of the court shall send a certified copy of any  
 348 judgment adjudicating paternity to the Department of Public Health  
 349 for filing in the paternity registry maintained under section 19a-42a. If  
 350 the results of the genetic tests indicate that the person named as father  
 351 is not the biological father of the child or youth, the court shall enter a  
 352 judgment that he is not the father and the court [may] shall remove  
 353 him from the case and afford him no further standing in the case or in  
 354 any subsequent proceeding regarding the child or youth; [until such  
 355 time as paternity is established by formal acknowledgment or  
 356 adjudication in a court of competent jurisdiction;]

357 (10) [identify] Identify any person or persons related to the child or  
 358 youth by blood or marriage residing in this state who might serve as  
 359 licensed foster parents or temporary custodians and order the  
 360 Commissioner of Children and Families to investigate and report to  
 361 the court, not later than thirty days after the preliminary hearing, the  
 362 appropriateness of [placement of] placing the child or youth with such  
 363 relative or relatives; and

364 (11) [in] In accordance with the provisions of the Interstate Compact  
 365 on the Placement of Children pursuant to section 17a-175, identify any  
 366 person or persons related to the child or youth by blood or marriage  
 367 residing out of state who might serve as licensed foster parents or  
 368 temporary custodians, and order the Commissioner of Children and  
 369 Families to investigate and determine, within a reasonable time, the  
 370 appropriateness of [placement of] placing the child or youth with such  
 371 relative or relatives.

372 Sec. 5. Subparagraph (C) of subdivision (2) of section 46b-129a of the  
373 2012 supplement to the general statutes is repealed and the following  
374 is substituted in lieu thereof (*Effective from passage*):

375 (C) The primary role of any counsel for the child shall be to  
376 advocate for the child in accordance with the Rules of Professional  
377 Conduct, except that if the child is incapable of expressing the child's  
378 wishes to the child's counsel because of age or other incapacity, the  
379 counsel for the child shall advocate for the best interests of the child.

380 Sec. 6. Subsection (b) of section 46b-140 of the 2012 supplement to  
381 the general statutes is repealed and the following is substituted in lieu  
382 thereof (*Effective from passage*):

383 (b) Upon conviction of a child as delinquent, the court: (1) May (A)  
384 [place the child in the care of any institution or agency which is  
385 permitted by law to care for children; (B)] order the child to participate  
386 in an alternative incarceration program; [(C)] (B) order the child to  
387 participate in a program at a wilderness school [program] facility  
388 operated by the Department of Children and Families; [(D)] (C) order  
389 the child to participate in a youth service bureau program; [(E)] (D)  
390 place the child on probation; [(F)] (E) order the child or the parents or  
391 guardian of the child, or both, to make restitution to the victim of the  
392 offense in accordance with subsection (d) of this section; [(G)] (F) order  
393 the child to participate in a program of community service in  
394 accordance with subsection (e) of this section; or [(H)] (G) withhold or  
395 suspend execution of any judgment; and (2) shall impose the penalty  
396 established in subsection (b) of section 30-89 [,] for any violation of said  
397 subsection (b).

398 Sec. 7. Subdivision (4) of subsection (d) of section 46b-129 of the  
399 2012 supplement to the general statutes is repealed and the following  
400 is substituted in lieu thereof (*Effective October 1, 2012*):

401 (4) Any person related to a child or youth may file a motion to  
402 intervene for purposes of seeking [permanent] guardianship of a child

403 or youth more than ninety days after the date of the preliminary  
404 hearing. The granting of such motion to intervene shall be solely in the  
405 court's discretion, except that such motion shall be granted absent  
406 good cause shown whenever the child's or youth's most recent  
407 placement has been disrupted or is about to be disrupted. The court  
408 may, in the court's discretion, order the Commissioner of Children and  
409 Families to conduct an assessment of such relative granted intervenor  
410 status pursuant to this subdivision.

411 Sec. 8. Subsections (j) to (r), inclusive, of section 46b-129 of the 2012  
412 supplement to the general statutes are repealed and the following is  
413 substituted in lieu thereof (*Effective October 1, 2012*):

414 (j) (1) For the purposes of this subsection and subsection (k) of this  
415 section, "permanent legal guardianship" means a permanent  
416 guardianship, as defined in section 45a-604, as amended by this act.

417 [(j)] (2) Upon finding and adjudging that any child or youth is  
418 uncared-for, neglected or abused the court may (A) commit such child  
419 or youth to the Commissioner of Children and Families, [ Such] and  
420 such commitment shall remain in effect until further order of the court,  
421 except that such commitment may be revoked or parental rights  
422 terminated at any time by the court; [ or the court may] (B) vest such  
423 child's or youth's legal guardianship in any private or public agency  
424 that is permitted by law to care for neglected, uncared-for or abused  
425 children or youths or with any other person or persons found to be  
426 suitable and worthy of such responsibility by the court, including, but  
427 not limited to, any relative of such child or youth by blood or  
428 marriage; (C) vest such child's or youth's permanent legal  
429 guardianship with any person or persons found to be suitable and  
430 worthy of such responsibility by the court, including, but not limited  
431 to, any relative of such child or youth by blood or marriage in  
432 accordance with the requirements set forth in subdivision (5) of this  
433 subsection; or (D) place the child or youth in the custody of the parent  
434 or guardian with protective supervision by the Commissioner of

435 Children and Families subject to conditions established by the court.

436     (3) If the court determines that the commitment should be revoked  
437 and the child's or youth's legal guardianship or permanent legal  
438 guardianship should vest in someone other than the respondent  
439 parent, parents or former guardian, or if parental rights are terminated  
440 at any time, there shall be a rebuttable presumption that an award of  
441 legal guardianship or permanent legal guardianship upon revocation  
442 to, or adoption upon termination of parental rights by, any relative  
443 who is licensed as a foster parent for such child or youth, or who is,  
444 pursuant to an order of the court, the temporary custodian of the child  
445 or youth at the time of the revocation or termination, shall be in the  
446 best interests of the child or youth and that such relative is a suitable  
447 and worthy person to assume legal guardianship or permanent legal  
448 guardianship upon revocation or to adopt such child or youth upon  
449 termination of parental rights. The presumption may be rebutted by a  
450 preponderance of the evidence that an award of legal guardianship or  
451 permanent legal guardianship to, or an adoption by, such relative  
452 would not be in the child's or youth's best interests and such relative is  
453 not a suitable and worthy person. The court shall order specific steps  
454 that the parent must take to facilitate the return of the child or youth to  
455 the custody of such parent.

456     (4) The commissioner shall be the guardian of such child or youth  
457 for the duration of the commitment, provided the child or youth has  
458 not reached the age of eighteen years or, in the case of a child or youth  
459 in full-time attendance in a secondary school, a technical school, a  
460 college or a state-accredited job training program, provided such child  
461 or youth has not reached the age of twenty-one years, by consent of  
462 such youth, or until another guardian has been legally appointed, and  
463 in like manner, upon such vesting of the care of such child or youth,  
464 such other public or private agency or individual shall be the guardian  
465 of such child or youth until such child or youth has reached the age of  
466 eighteen years or, in the case of a child or youth in full-time attendance  
467 in a secondary school, a technical school, a college or a state-accredited

468 job training program, until such child or youth has reached the age of  
 469 twenty-one years or until another guardian has been legally appointed.  
 470 The commissioner may place any child or youth so committed to the  
 471 commissioner in a suitable foster home or in the home of a person  
 472 related by blood or marriage to such child or youth or in a licensed  
 473 child-caring institution or in the care and custody of any accredited,  
 474 licensed or approved child-caring agency, within or without the state,  
 475 provided a child shall not be placed outside the state except for good  
 476 cause and unless the parents or guardian of such child are notified in  
 477 advance of such placement and given an opportunity to be heard, or in  
 478 a receiving home maintained and operated by the Commissioner of  
 479 Children and Families. In placing such child or youth, the  
 480 commissioner shall, if possible, select a home, agency, institution or  
 481 person of like religious faith to that of a parent of such child or youth,  
 482 if such faith is known or may be ascertained by reasonable inquiry,  
 483 provided such home conforms to the standards of said commissioner  
 484 and the commissioner shall, when placing siblings, if possible, place  
 485 such children together. [As an alternative to commitment, the court  
 486 may place the child or youth in the custody of the parent or guardian  
 487 with protective supervision by the Commissioner of Children and  
 488 Families subject to conditions established by the court.] Upon the  
 489 issuance of an order committing the child or youth to the  
 490 Commissioner of Children and Families, or not later than sixty days  
 491 after the issuance of such order, the court shall determine whether the  
 492 Department of Children and Families made reasonable efforts to keep  
 493 the child or youth with his or her parents or guardian prior to the  
 494 issuance of such order and, if such efforts were not made, whether  
 495 such reasonable efforts were not possible, taking into consideration the  
 496 child's or youth's best interests, including the child's or youth's health  
 497 and safety.

498 (5) Prior to issuing an order for permanent legal guardianship, the  
 499 court shall provide notice to each parent that the parent may not file a  
 500 motion to terminate the permanent legal guardianship, or the court  
 501 shall indicate on the record why such notice could not be provided,



502 and the court shall find by clear and convincing evidence that the  
503 permanent legal guardianship is in the best interests of the child or  
504 youth and that the following have been proven by clear and  
505 convincing evidence:

506 (A) One of the statutory grounds for termination of parental rights  
507 exists, as set forth in subsection (j) of section 17a-112 exists, or the  
508 parents have voluntarily consented to the establishment of the  
509 permanent legal guardianship;

510 (B) Adoption of the child or youth is not possible or appropriate;

511 (C) (i) If the child or youth is as least twelve years of age, such child  
512 or youth consents to the proposed permanent legal guardianship, or  
513 (ii) if the child is under twelve years of age, the proposed permanent  
514 legal guardian is: (I) A relative, or (II) already serving as the  
515 permanent legal guardian of at least one of the child's or youth's  
516 siblings, if any;

517 (D) The child or youth has resided with the proposed permanent  
518 legal guardian for at least a year; and

519 (E) The proposed permanent legal guardian is (i) a suitable and  
520 worthy person, and (ii) committed to remaining the permanent legal  
521 guardian and assuming the right and responsibilities for the child or  
522 youth until the child or youth attains the age of majority.

523 (6) A disposition of permanent legal guardianship may be reopened  
524 and modified and the permanent legal guardian removed upon the  
525 filing of a motion with the court, provided it is proven by a fair  
526 preponderance of the evidence that the permanent legal guardian is no  
527 longer suitable and worthy. A parent may not file a motion to  
528 terminate a permanent legal guardianship. If, after a hearing, the court  
529 terminates a permanent legal guardianship, the court, in appointing a  
530 successor legal guardian or permanent legal guardian for the child or  
531 youth shall do so in accordance with this subsection.

532 (k) (1) Nine months after placement of the child or youth in the care  
 533 and custody of the commissioner pursuant to a voluntary placement  
 534 agreement, or removal of a child or youth pursuant to section 17a-101g  
 535 or an order issued by a court of competent jurisdiction, whichever is  
 536 earlier, the commissioner shall file a motion for review of a  
 537 permanency plan. Nine months after a permanency plan has been  
 538 approved by the court pursuant to this subsection, the commissioner  
 539 shall file a motion for review of the permanency plan. Any party  
 540 seeking to oppose the commissioner's permanency plan, including a  
 541 relative of a child or youth by blood or marriage who has intervened  
 542 pursuant to subsection (d) of this section and is licensed as a foster  
 543 parent for such child or youth or is vested with such child's or youth's  
 544 temporary custody by order of the court, shall file a motion in  
 545 opposition not later than thirty days after the filing of the  
 546 commissioner's motion for review of the permanency plan, which  
 547 motion shall include the reason therefor. A permanency hearing on  
 548 any motion for review of the permanency plan shall be held not later  
 549 than ninety days after the filing of such motion. The court shall hold  
 550 evidentiary hearings in connection with any contested motion for  
 551 review of the permanency plan and credible hearsay evidence  
 552 regarding any party's compliance with specific steps ordered by the  
 553 court shall be admissible at such evidentiary hearings. The  
 554 commissioner shall have the burden of proving that the proposed  
 555 permanency plan is in the best interests of the child or youth. After the  
 556 initial permanency hearing, subsequent permanency hearings shall be  
 557 held not less frequently than every twelve months while the child or  
 558 youth remains in the custody of the Commissioner of Children and  
 559 Families. The court shall provide notice to the child or youth, the  
 560 parent or guardian of such child or youth, and any intervenor of the  
 561 time and place of the court hearing on any such motion not less than  
 562 fourteen days prior to such hearing.

563 (2) At a permanency hearing held in accordance with the provisions  
 564 of subdivision (1) of this subsection, the court shall approve a  
 565 permanency plan that is in the best interests of the child or youth and

566 takes into consideration the child's or youth's need for permanency.  
567 The child's or youth's health and safety shall be of paramount concern  
568 in formulating such plan. Such permanency plan may include the goal  
569 of (A) revocation of commitment and reunification of the child or  
570 youth with the parent or guardian, with or without protective  
571 supervision; (B) transfer of guardianship or permanent legal  
572 guardianship; (C) long-term foster care with a relative licensed as a  
573 foster parent; (D) filing of termination of parental rights and adoption;  
574 or (E) another planned permanent living arrangement ordered by the  
575 court, provided the Commissioner of Children and Families has  
576 documented a compelling reason why it would not be in the best  
577 [interest] interests of the child or youth for the permanency plan to  
578 include the goals in subparagraphs (A) to (D), inclusive, of this  
579 subdivision. Such other planned permanent living arrangement may  
580 include, but not be limited to, placement of a child or youth in an  
581 independent living program or long term foster care with an identified  
582 foster parent.

583 (3) At a permanency hearing held in accordance with the provisions  
584 of subdivision (1) of this subsection, the court shall review the status of  
585 the child, the progress being made to implement the permanency plan,  
586 determine a timetable for attaining the permanency plan, determine  
587 the services to be provided to the parent if the court approves a  
588 permanency plan of reunification and the timetable for such services,  
589 and determine whether the commissioner has made reasonable efforts  
590 to achieve the permanency plan. The court may revoke commitment if  
591 a cause for commitment no longer exists and it is in the best interests of  
592 the child or youth.

593 (4) If the court approves the permanency plan of adoption: (A) The  
594 Commissioner of Children and Families shall file a petition for  
595 termination of parental rights not later than sixty days after such  
596 approval if such petition has not previously been filed; (B) the  
597 commissioner may conduct a thorough adoption assessment and  
598 child-specific recruitment; and (C) the court may order that the child

599 be photo-listed within thirty days if the court determines that such  
600 photo-listing is in the best [interest] interests of the child. As used in  
601 this subdivision, "thorough adoption assessment" means conducting  
602 and documenting face-to-face interviews with the child, foster care  
603 providers and other significant parties and "child specific recruitment"  
604 means recruiting an adoptive placement targeted to meet the  
605 individual needs of the specific child, including, but not limited to, use  
606 of the media, use of photo-listing services and any other in-state or  
607 out-of-state resources that may be used to meet the specific needs of  
608 the child, unless there are extenuating circumstances that indicate that  
609 such efforts are not in the best [interest] interests of the child.

610 (l) The Commissioner of Children and Families shall pay directly to  
611 the person or persons furnishing goods or services determined by said  
612 commissioner to be necessary for the care and maintenance of such  
613 child or youth the reasonable expense thereof, payment to be made at  
614 intervals determined by said commissioner; and the Comptroller shall  
615 draw his or her order on the Treasurer, from time to time, for such part  
616 of the appropriation for care of committed children or youths as may  
617 be needed in order to enable the commissioner to make such  
618 payments. The commissioner shall include in the department's annual  
619 budget a sum estimated to be sufficient to carry out the provisions of  
620 this section. Notwithstanding that any such child or youth has income  
621 or estate, the commissioner may pay the cost of care and maintenance  
622 of such child or youth. The commissioner may bill to and collect from  
623 the person in charge of the estate of any child or youth aided under  
624 this chapter, or the payee of such child's or youth's income, the total  
625 amount expended for care of such child or youth or such portion  
626 thereof as any such estate or payee is able to reimburse, provided the  
627 commissioner shall not collect from such estate or payee any  
628 reimbursement for the cost of care or other expenditures made on  
629 behalf of such child or youth from (1) the proceeds of any cause of  
630 action received by such child or youth; (2) any lottery proceeds due to  
631 such child or youth; (3) any inheritance due to such child or youth; (4)  
632 any payment due to such child or youth from a trust other than a trust

633 created pursuant to 42 USC 1396p, as amended from time to time; or  
634 (5) the decedent estate of such child or youth.

635 (m) The commissioner, a parent or the child's attorney may file a  
636 motion to revoke a commitment, and, upon finding that cause for  
637 commitment no longer exists, and that such revocation is in the best  
638 interests of such child or youth, the court may revoke the commitment  
639 of such child or youth. No such motion shall be filed more often than  
640 once every six months.

641 (n) If the court has awarded legal guardianship of a child or youth  
642 to be vested in a suitable and worthy person pursuant to subsection (j)  
643 of this section, the child's or youth's parent or former legal guardian  
644 may file a petition to reinstate such person's guardianship, and, upon  
645 finding that the cause for the removal of guardianship no longer exists,  
646 and that reinstatement is in the best interests of the child or youth, the  
647 court may reinstate the guardianship of the parent or the former legal  
648 guardian. Upon the filing of such a petition, the court may order the  
649 Commissioner of Children and Families to investigate the home  
650 conditions and needs of the child or youth and the home conditions of  
651 the person seeking reinstatement of guardianship, and to make a  
652 recommendation to the court. A party to a petition for reinstatement of  
653 guardianship shall not be entitled to court-appointed counsel or  
654 representation by Division of Public Defender Services assigned  
655 counsel, except as provided in section 46b-136. No such petition may  
656 be filed more often than once every six months.

657 [(n)] (o) Upon service on the parent, guardian or other person  
658 having control of the child or youth of any order issued by the court  
659 pursuant to the provisions of subsections (b) and (j) of this section, the  
660 child or youth concerned shall be surrendered to the person serving  
661 the order who shall forthwith deliver the child or youth to the person,  
662 agency, department or institution awarded custody in the order. Upon  
663 refusal of the parent, guardian or other person having control of the  
664 child or youth to surrender the child or youth as provided in the order,

665 the court may cause a warrant to be issued charging the parent,  
666 guardian or other person having control of the child or youth with  
667 contempt of court. If the person arrested is found in contempt of court,  
668 the court may order such person confined until the person complies  
669 with the order, but for not more than six months, or may fine such  
670 person not more than five hundred dollars, or both.

671     ~~[(o)]~~ (p) A foster parent, prospective adoptive parent or relative  
672 caregiver shall receive notice and have the right to be heard for the  
673 purposes of this section in Superior Court in any proceeding  
674 concerning a foster child living with such foster parent, prospective  
675 adoptive parent or relative caregiver. A foster parent, prospective  
676 adoptive parent or relative caregiver who has cared for a child or  
677 youth shall have the right to be heard and comment on the best  
678 interests of such child or youth in any proceeding under this section  
679 which is brought not more than one year after the last day the foster  
680 parent, prospective adoptive parent or relative caregiver provided  
681 such care.

682     ~~[(p)]~~ (q) Upon motion of any sibling of any child committed to the  
683 Department of Children and Families pursuant to this section, such  
684 sibling shall have the right to be heard concerning visitation with, and  
685 placement of, any such child. In awarding any visitation or modifying  
686 any placement, the court shall be guided by the best interests of all  
687 siblings affected by such determination.

688     ~~[(q)]~~ (r) The provisions of section 17a-152, regarding placement of a  
689 child from another state, and section 17a-175, regarding the Interstate  
690 Compact on the Placement of Children, shall apply to placements  
691 pursuant to this section. In any proceeding under this section  
692 involving the placement of a child or youth in another state where the  
693 provisions of section 17a-175 are applicable, the court shall, before  
694 ordering or approving such placement, state for the record the court's  
695 finding concerning compliance with the provisions of section 17a-175.  
696 The court's statement shall include, but not be limited to: (1) A finding

697 that the state has received notice in writing from the receiving state, in  
698 accordance with subsection (d) of Article III of section 17a-175,  
699 indicating that the proposed placement does not appear contrary to the  
700 interests of the child, (2) the court has reviewed such notice, (3)  
701 whether or not an interstate compact study or other home study has  
702 been completed by the receiving state, and (4) if such a study has been  
703 completed, whether the conclusions reached by the receiving state as a  
704 result of such study support the placement.

705 [(r)] (s) In any proceeding under this section, the Department of  
706 Children and Families shall provide notice to [every] each attorney of  
707 record for each party involved in the proceeding when the department  
708 seeks to transfer a child or youth in its care, custody or control to an  
709 out-of-state placement.

710 Sec. 9. Section 45a-604 of the general statutes is repealed and the  
711 following is substituted in lieu thereof (*Effective October 1, 2012*):

712 As used in sections 45a-603 to 45a-622, inclusive, and section 10 of  
713 this act:

714 (1) "Mother" means a woman who can show proof by means of a  
715 birth certificate or other sufficient evidence of having given birth to a  
716 child and an adoptive mother as shown by a decree of a court of  
717 competent jurisdiction or otherwise;

718 (2) "Father" means a man who is a father under the law of this state  
719 including a man who, in accordance with section 46b-172, executes a  
720 binding acknowledgment of paternity and a man determined to be a  
721 father under chapter 815y;

722 (3) "Parent" means a mother as defined in subdivision (1) of this  
723 section or a "father" as defined in subdivision (2) of this section;

724 (4) "Minor" or "minor child" means a person under the age of  
725 eighteen;

726 (5) "Guardianship" means guardianship of the person of a minor,  
727 and includes: (A) The obligation of care and control; (B) the authority  
728 to make major decisions affecting the minor's education and welfare,  
729 including, but not limited to, consent determinations regarding  
730 marriage, enlistment in the armed forces and major medical,  
731 psychiatric or surgical treatment; and (C) upon the death of the minor,  
732 the authority to make decisions concerning funeral arrangements and  
733 the disposition of the body of the minor;

734 (6) "Guardian" means [one] a person who has the authority and  
735 obligations of "guardianship", as defined in subdivision (5) of this  
736 section;

737 (7) "Termination of parental rights" means the complete severance  
738 by court order of the legal relationship, with all its rights and  
739 responsibilities, between the child and the child's parent or parents so  
740 that the child is free for adoption, except that it shall not affect the right  
741 of inheritance of the child or the religious affiliation of the child;

742 (8) "Permanent guardianship" means a guardianship, as defined in  
743 subdivision (5) of this section, that is intended to endure until the  
744 minor reaches the age of majority without termination of the parental  
745 rights of the minor's parents; and

746 (9) "Permanent guardian" means a person who has the authority  
747 and obligations of a permanent guardianship, as defined in  
748 subdivision (8) of this section.

749 Sec. 10. (NEW) (*Effective October 1, 2012*) (a) In appointing a  
750 guardian of the person of a minor pursuant to section 45a-616 of the  
751 general statutes, or at any time following such appointment, the court  
752 of probate may establish a permanent guardianship if the court  
753 provides notice to each parent that the parent may not petition for  
754 reinstatement as guardian or petition to terminate the permanent  
755 guardianship, except as provided in subsection (b) of this section, or  
756 the court indicates on the record why such notice could not be



757 provided, and the court finds by clear and convincing evidence that  
758 the establishment of a permanent guardianship is in the best interests  
759 of the minor and that the following have been proven by clear and  
760 convincing evidence:

761 (1) One of the grounds for termination of parental rights, as set forth  
762 in subparagraphs (A) to (G), inclusive, of subdivision (2) of subsection  
763 (g) of section 45a-717 of the general statutes exists, or the parents have  
764 voluntarily consented to the appointment of a permanent guardian;

765 (2) Adoption of the minor is not possible or appropriate;

766 (3) (A) If the minor is at least twelve years of age, such minor  
767 consents to the proposed appointment of a permanent guardian, or (B)  
768 if the minor is under twelve years of age, the proposed permanent  
769 guardian is a relative or already serving as the permanent guardian of  
770 at least one of the minor's siblings;

771 (4) The minor has resided with the proposed permanent guardian  
772 for at least one year; and

773 (5) The proposed permanent guardian is suitable and worthy and  
774 committed to remaining the permanent guardian and assuming the  
775 rights and responsibilities for the minor until the minor reaches the age  
776 of majority.

777 (b) If a permanent guardian appointed under this section becomes  
778 unable or unwilling to serve as permanent guardian, the court may  
779 appoint a successor guardian or permanent guardian in accordance  
780 with this section and sections 45a-616 and 45a-617 of the general  
781 statutes, as amended by this act, or may reinstate a parent of the minor  
782 who was previously removed as guardian of the person of the minor if  
783 the court finds that the factors that resulted in the removal of the  
784 parent as guardian have been resolved satisfactorily, and that it is in  
785 the best interests of the child to reinstate the parent as guardian.

786 Sec. 11. Section 45a-611 of the general statutes is repealed and the

787 following is substituted in lieu thereof (*Effective October 1, 2012*):

788 (a) [Any] Except as provided in subsection (d) of this section, any  
789 parent who has been removed as the guardian of the person of a minor  
790 may apply to the court of probate which removed him or her for  
791 reinstatement as the guardian of the person of the minor, if in his or  
792 her opinion the factors which resulted in removal have been resolved  
793 satisfactorily.

794 (b) In the case of a parent who seeks reinstatement, the court shall  
795 hold a hearing following notice to the guardian, to the parent or  
796 parents and to the minor, if over twelve years of age, as provided in  
797 section 45a-609. If the court determines that the factors which resulted  
798 in the removal of the parent have been resolved satisfactorily, the court  
799 may remove the guardian and reinstate the parent as guardian of the  
800 person of the minor, if it determines that it is in the best interests of the  
801 minor to do so. At the request of a parent, guardian, counsel or  
802 guardian ad litem representing one of the parties, filed within thirty  
803 days of the decree, the court shall make findings of fact to support its  
804 conclusions.

805 (c) The provisions of this section shall also apply to the  
806 reinstatement of any guardian of the person of a minor other than a  
807 parent.

808 (d) Notwithstanding the provisions of this section, and subject to the  
809 provisions of subsection (b) of section 10 of this act, a parent who has  
810 been removed as guardian of the person of a minor may not petition  
811 for reinstatement as guardian if a court has established a permanent  
812 guardianship for the person of the minor pursuant to section 10 of this  
813 act.

814 Sec. 12. Section 45a-613 of the general statutes is repealed and the  
815 following is substituted in lieu thereof (*Effective October 1, 2012*):

816 (a) Any guardian, [or] coguardians or permanent guardian of the

817 person of a minor appointed under section 45a-616 or section 10 of this  
818 act, or appointed by a court of comparable jurisdiction in another state,  
819 may be removed by the court of probate which made the appointment,  
820 and another guardian, [or] coguardian or permanent guardian  
821 appointed, in the same manner as that provided in sections 45a-603 to  
822 45a-622, inclusive, for removal of a parent as guardian.

823 (b) Any removal of a guardian under subsection (a) of this section  
824 shall be preceded by notice to the guardian, [or] coguardians or  
825 permanent guardian, the parent or parents and the minor if over  
826 twelve years of age, as provided by section 45a-609.

827 (c) If a new guardian is appointed, the court shall send a copy of  
828 that order to the parent or parents of the minor.

829 Sec. 13. Section 45a-614 of the general statutes is repealed and the  
830 following is substituted in lieu thereof (*Effective October 1, 2012*):

831 (a) [The] Except as provided in subsection (b) of this section, the  
832 following persons may apply to the court of probate for the district in  
833 which the minor resides for the removal as guardian of one or both  
834 parents of the minor: (1) Any adult relative of the minor, including  
835 those by blood or marriage; (2) the court on its own motion; or (3)  
836 counsel for the minor.

837 (b) A parent may not petition for the removal of a permanent  
838 guardian appointed pursuant to section 10 of this act.

839 Sec. 14. Section 45a-617 of the general statutes is repealed and the  
840 following is substituted in lieu thereof (*Effective October 1, 2012*):

841 When appointing a guardian, [or] coguardians or permanent  
842 guardian of the person of a minor, the court shall take into  
843 consideration the following factors: (1) The ability of the prospective  
844 guardian, [or] coguardians or permanent guardian to meet, on a  
845 continuing day to day basis, the physical, emotional, moral and  
846 educational needs of the minor; (2) the minor's wishes, if he or she is

847 over the age of twelve or is of sufficient maturity and capable of  
848 forming an intelligent preference; (3) the existence or nonexistence of  
849 an established relationship between the minor and the prospective  
850 guardian, [or] coguardians or permanent guardian; and (4) the best  
851 interests of the child. There shall be a rebuttable presumption that  
852 appointment of a grandparent or other relative related by blood or  
853 marriage as a guardian is in the best interests of the minor child.

854 Sec. 15. Subsections (a) and (b) of section 46b-127 of the 2012  
855 supplement to the general statutes are repealed and the following is  
856 substituted in lieu thereof (*Effective October 1, 2012*):

857 (a) (1) The court shall automatically transfer from the docket for  
858 juvenile matters to the regular criminal docket of the Superior Court  
859 the case of any child charged with the commission of a capital felony, a  
860 class A [or B] felony or a violation of section 53a-54d, provided such  
861 offense was committed after such child attained the age of fourteen  
862 years and counsel has been appointed for such child if such child is  
863 indigent. Such counsel may appear with the child but shall not be  
864 permitted to make any argument or file any motion in opposition to  
865 the transfer. The child shall be arraigned in the regular criminal docket  
866 of the Superior Court at the next court date following such transfer,  
867 provided any proceedings held prior to the finalization of such transfer  
868 shall be private and shall be conducted in such parts of the courthouse  
869 or the building [wherein] in which the court is located [as shall be] that  
870 are separate and apart from the other parts of the court which are then  
871 being [held] used for proceedings pertaining to adults charged with  
872 crimes. [The file of any case so transferred shall remain sealed until the  
873 end of the tenth working day following such arraignment unless the  
874 state's attorney has filed a motion pursuant to this subsection, in which  
875 case such file shall remain sealed until the court makes a decision on  
876 the motion.]

877 (2) A state's attorney may, [not later than ten working days] at any  
878 time after such arraignment, file a motion to transfer the case of any

879 child charged with the commission of a [class B felony or a] violation  
 880 of subdivision (2) of subsection (a) of section 53a-70 to the docket for  
 881 juvenile matters for proceedings in accordance with the provisions of  
 882 this chapter. [The court sitting for the regular criminal docket shall,  
 883 after hearing and not later than ten working days after the filing of  
 884 such motion, decide such motion.]

885 (b) (1) Upon motion of a prosecutorial official, [and order of the  
 886 court,] the superior court for juvenile matters shall conduct a hearing  
 887 to determine whether the case of any child charged with the  
 888 commission of a class B, C or D felony or an unclassified felony shall  
 889 be transferred from the docket for juvenile matters to the regular  
 890 criminal docket of the Superior Court. [, provided] The court shall not  
 891 order that the case be transferred under this subdivision unless the  
 892 court finds that (A) such offense was committed after such child  
 893 attained the age of fourteen years, [and the court finds ex parte that]  
 894 (B) there is probable cause to believe the child has committed the act  
 895 for which [he] the child is charged, and (C) the best interests of the  
 896 child and the public will not be served by maintaining the case in the  
 897 superior court for juvenile matters. In making such findings, the court  
 898 shall consider (i) any prior criminal or juvenile offenses committed by  
 899 the child, (ii) the seriousness of such offenses, (iii) any evidence that  
 900 the child has intellectual disability or mental illness, and (iv) the  
 901 availability of services in the docket for juvenile matters that can serve  
 902 the child's needs. Any motion under this subdivision shall be made,  
 903 and any hearing under this subdivision shall be held, not later than  
 904 thirty days after the child is arraigned in the superior court for juvenile  
 905 matters. The file of any case [so] transferred pursuant to this  
 906 subdivision shall remain sealed until such time as the court sitting for  
 907 the regular criminal docket accepts such transfer.

908 (2) [The] If a case is transferred to the regular criminal docket  
 909 pursuant to subdivision (1) of this subsection, the court sitting for the  
 910 regular criminal docket may return [any such] the case to the docket  
 911 for juvenile matters [not later than ten working days after the date of

the transfer] at any time for good cause shown for proceedings in accordance with the provisions of this chapter. The child shall be arraigned in the regular criminal docket of the Superior Court by the next court date following such transfer, provided any proceedings held prior to the finalization of such transfer shall be private and shall be conducted in such parts of the courthouse or the building [wherein] in which the court is located [as shall be] that are separate and apart from the other parts of the court which are then being [held] used for proceedings pertaining to adults charged with crimes.

Sec. 16. Subsection (d) of section 46b-122 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(d) Nothing in this section shall be construed to affect the confidentiality of records of cases of juvenile matters as set forth in section 46b-124 or the right of foster parents to be heard pursuant to subsection [(o)] (p) of section 46b-129, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	46b-120(1)
Sec. 2	<i>October 1, 2012</i>	46b-120(5)
Sec. 3	<i>October 1, 2012</i>	New section
Sec. 4	<i>October 1, 2012</i>	46b-129(c)
Sec. 5	<i>from passage</i>	46b-129a(2)(C)
Sec. 6	<i>from passage</i>	46b-140(b)
Sec. 7	<i>October 1, 2012</i>	46b-129(d)(4)
Sec. 8	<i>October 1, 2012</i>	46b-129(j) to (r)
Sec. 9	<i>October 1, 2012</i>	45a-604
Sec. 10	<i>October 1, 2012</i>	New section
Sec. 11	<i>October 1, 2012</i>	45a-611
Sec. 12	<i>October 1, 2012</i>	45a-613
Sec. 13	<i>October 1, 2012</i>	45a-614
Sec. 14	<i>October 1, 2012</i>	45a-617
Sec. 15	<i>October 1, 2012</i>	46b-127(a) and (b)
Sec. 16	<i>October 1, 2012</i>	46b-122(d)

***Statement of Purpose:***

To: (1) Establish a process for determining competency of a child or youth in a juvenile matter; (2) clarify the procedure for genetic testing reporting of paternity adjudications in certain juvenile matters; (3) clarify the primary role of counsel for a child who is unable to communicate with counsel and is the subject of a neglect or abuse petition; (4) eliminate certain placements for children convicted as delinquent; (5) establish permanent legal guardianships and permanent guardianships intended to endure until the child attains the age of majority; (6) eliminate automatic transfers from the juvenile docket to the regular criminal docket for class B felony cases, and require the juvenile court to make certain enumerated findings prior to transferring a case where a child is charged with a class B, C or D felony or unclassified felony to the regular criminal docket; and (7) revise other procedures in juvenile matters.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*